UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,604	02/11/2004	Yao-Ching Stephen Chen	SVL920030096US1/2962P	4627

45728 7590 09/17/2007	EXAMINER	
SAWYER LAW GROUP LLP	PANNALA, SATHYANARAYAN R	
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PALO ALTO, CA 94303	ART UNIT	PAPER NUMBER
	2164	

NOTIFICATION DATE	DELIVERY MODE
09/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/777,604	CHEN ET AL.
	Examiner	Art Unit	
	Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 June 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,9,17,26 and 30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,9,17,26 and 30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070909

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

6/26/2007 has been entered.

Response to Amendment

2.   Applicant's Amendment filed on 6/26/2007 has been entered with amended

claims 1, 9, 17 cancelled claims 6-7, 14-15, 22-23, 25-29. In this Office Action,

claims 1, 9, 17, 26 and 30 are pending.

Specification

3.   The revised Abstract filed on 6/26/2007 has been entered and Examiner

approved it.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. § 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
>
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
>
> conditions and requirements of this title.

5.   Claims 17 is rejected under 35 U.S.C. § 101, because none of the claims are

directed to statutory subject matter. Independent claim 17 deals with simple abstract

ideas. A claim that recites a computer that solely calculates a mathematical formula or a

computer disk that solely stores a mathematical formula is not directed to the type of

subject matter eligible for patent protection. See Diehr, 450 US at 186 and Gottschalk

v. Benson, 409 U.S. 63,71-72(1972).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.
>
>   This application currently names joint inventors. In considering patentability of the claims under 35
>
> U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates

of each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

7.   Claims 1, 9, 17, 26, 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Yoshimura et al. (US Patent 6,882,994) hereinafter Yoshimura, in

view of Norcott et al. (US Patent 6,999,977) hereinafter Norcott, in view of Shwartz (US

Patent 5,812,840) hereinafter Shwartz and further in view of Applicant Admitted Prior

Art (APA).

8.   As per independent claims 1, 9, 17, Yoshimura teaches a querying method in

which a first data item is obtained form database management system database table in

response to a query request (col. 2, lines 14-17). Yoshimura teaches the claimed,

providing a table in the database system, the table including a plurality of rows of data

(col. 3, lines 26-28). Yoshimura teaches the claimed, the timestamp column does not

appear in the database schema by default and exposes the timestamp value for a given

row of data in the table only to a query that calls the timestamp column by name (col. 1,

lines 19-25). Yoshimura teaches the claimed, in response to the query, the timestamp

column returning the timestamp value to the application for use by the application

(col. 1, lines 20-25).

        Yoshimura does not explicitly teach hiding a column. However, Shwartz teaches

hiding a column of a table (Fig. 1A, D, E, col. 13, lines 37-38). Thus, it would have

been obvious to one of ordinary skill in the data processing art at the time of the

invention, to have combined the teachings of the cited references because Shwartz's

teachings would have allowed Yoshimura's method to hide the complexities of SQL

from the user, similarly hiding column not useful to users (col. 4, line 10).

Yoshimura does not explicitly teach timestamp column in a table. However,

Norcott teaches the claimed, providing a timestamp column in the table in the database

system, the hidden timestamp column including a timestamp value for each row of data

in the table, the time stamp value indicating a last time a corresponding row of data in

the table was modified, (Fig. 1, col. 5, lines 14-18). Thus, it would have been obvious to

one of ordinary skill in the data processing art at the time of the invention, to have

combined the teachings of the cited references because Norcott's teachings would have

allowed Yoshimura's method to allow data extraction, transport and loading with

techniques, which do not require schema changes, are robust and do not suffer from

data loss or double counting problems (col. 2, lines 56-59). Further, Norcott teaches the

claimed, receiving a query to obtain a timestamp value from the hidden timestamp

column, wherein the query calls the timestamp column by name (col. 3, lines 40-42).

AAPA teaches the claimed, the application uses the returned timestamp value for

controlling a locking scheme associated with recording data updates in the database

system (Paragraph [0003]). Thus, it would have been obvious to one of ordinary skill in

the data processing art at the time of the invention, to have combined the teachings of

the cited references because AARP's teachings would have allowed Yoshimura's

method to automatically updating timestamp for database systems (paragraph [0006]).

9.   As per dependent claims 26, 30, Yoshimura teaches the claimed, the timestamp

value corresponding to a given row of data in the table is automatically updated each

time data in the given row has been modified (col. 1, lines 20-25).

Response to Arguments

10.   Applicant's arguments filed on 6/26/2007 have been fully considered but they are

persuasive and details as follows:

        a)   Applicant has amended the Abstract and examiner reviewed and has

withdrawn the objection.

        b)   Applicant cancelled claims 25, 27 and 29. Therefore, rejection under 35

U.S.C. 112, first ad second paragraphs it is moot to respond.

        c)   . Applicant argument stated as "Claim 17 was rejected under 35 U.S.C 101,

as not being directed to statutory subject matter. Claim 17 has been cancelled

rendering this rejection moot."

        In response to Applicant argument, examiner disagrees, because

Applicant amended the claim 17 and the status indicated as "currently amended".

Examiner assuming as a typo error and further to the amendment, Applicant did

not over the rejection under 35 U.S.C. 101, because Applicant is claiming a

system without involving a physical device, computer processor and storage.

d)   Applicant amended the claims argument stated as "the application uses

the returned timestamp value for controlling locking schema..."

In response to Applicant argument, examiner disagrees, because

Applicant added limitation to claims 1,9 and 17 as Applications commonly use

this timestamp column for controlling optimistic locking schemes at

paragraph [0003].

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sathyanarayan Pannala
Primary Examiner

srp
September 10, 2007